



Department of Justice

**United States Attorney Joseph H. Hogsett
Southern District of Indiana**

FOR IMMEDIATE RELEASE

Monday, January 14, 2013

<http://www.usdoj.gov/usao/ins/>

CONTACT: TIM HORTY

(317) 229-2409

mary.bippus@usdoj.gov

SENSIENT FLAVORS DROPS LAWSUIT AGAINST NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

Hogsett announces more results obtained by United States Attorney's Office

PRESS RELEASE

INDIANAPOLIS – Joseph H. Hogsett, the United States Attorney, announced today that Sensient Flavors LLC has agreed to voluntarily dismiss its lawsuit against the National Institute for Occupational Safety and Health (“NIOSH”) and three of NIOSH’s individual employees. The suit was filed in December 2011 and challenged NIOSH’s decision to conduct an inspection of Sensient’s Indianapolis facility and publish a report of its findings from that inspection.

“Hoosiers deserve to have a workplace free of health hazards, and the efforts of the National Institute for Occupational Safety and Health are vital to ensuring that they do,” Hogsett said. “This Office remains committed to protecting the invaluable resource that NIOSH and its employees represent for Indiana workers, while at the same time remaining mindful that all governmental inspections must be conducted respectfully and with appropriate cause.”

NIOSH is the federal agency responsible for conducting research and making scientific recommendations for preventing work-related injury and illness. Among other responsibilities, NIOSH is authorized to conduct health hazard evaluations to determine whether workers are being exposed to hazardous materials or harmful conditions in the workplace. Sensient Flavors LLC, is a company that manufactures and distributes flavorings used in food and beverage products.

In March 2008, the union representative for Sensient’s production employees at its Indianapolis facility, Teamsters Local 135, submitted a request for NIOSH to conduct a health hazard evaluation of Sensient’s Indianapolis facility. NIOSH inspected Sensient’s Indianapolis facility in May 2008 and issued its report in July 2011, which was based on its analyses from the inspection and other information it had received from the company and its employees.

In December 2011, Sensient sued NIOSH and the employees who drafted the report, seeking monetary damages and requesting that the report be removed from the NIOSH website. Sensient has now agreed to voluntarily dismiss all of its claims against NIOSH and NIOSH's employees. In so agreeing, the parties have not entered into a settlement agreement and the dismissal is without prejudice.

This was Sensient's second lawsuit against NIOSH. Its first lawsuit, filed in July 2008, sought to stop NIOSH from conducting the health hazard evaluation in the first place. NIOSH moved to dismiss that lawsuit and the court ruled in NIOSH's favor, dismissing the lawsuit against it.

Sensient has also entered into a settlement agreement with the Indiana Occupational Safety and Health Administration ("IOSHA") and an employee of the International Brotherhood of Teamsters regarding separate claims it had filed against those parties in the same lawsuit.

###